

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

In re: : BANKRUPTCY CASE  
: :  
JOHN CONNER and : NO. 11-40458-JTL  
BETTY LOU CONNER, : Chapter 7 Proceeding  
Debtors. :

**NOTICE OF TRUSTEE'S MOTION TO SELL PROPERTY OF THE ESTATE**  
**SUBJECT TO ALL LIENS AND ANY OTHER CLAIM**

WALTER W. KELLEY, CHAPTER 7 TRUSTEE, HAS FILED A MOTION IN THE ABOVE-STYLED CASE TO SELL REAL ESTATE AT PUBLIC AUCTION OUTSIDE THE ORDINARY COURSE OF BUSINESS PURSUANT TO 11 U.S.C. §363(b) and 11 U.S.C. §363(f), SUBJECT TO ALL LIENS, ENCUMBRANCES, MORTGAGES, SECURITY INTERESTS, CHARGES AND CLAIMS OF EVERY KIND AND DESCRIPTION, KNOWN AND UNKNOWN, WITH ALL VALID LIENS TO ATTACH TO THE PROCEEDS. The property to be sold is the Debtor's real property in Muscogee County, Georgia described as 1808 51st Street, Columbus, Georgia.

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.).**


IF YOU DO NOT WANT THE COURT TO GRANT THE TRUSTEE'S MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS, THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN REQUEST FOR A HEARING ON OR BEFORE November 2, 2011. IF ANY OBJECTIONS ARE FILED, THE HEARING WILL BE HELD ON November 18, 2011 AT 2:00 P. M. AT UNITED STATES BANKRUPTCY COURT, 901 FRONT AVENUE, ONE ARSENAL PLACE, COLUMBUS, GA 31902.

IF YOU MAIL YOUR REQUEST TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL **RECEIVE** IT ON OR BEFORE THE DATE STATED ABOVE. THE REQUEST SHOULD BE MAILED TO THE UNITED STATES BANKRUPTCY COURT, P.O. BOX 2147, COLUMBUS, GEORGIA 31902.

ANY REQUEST FOR A HEARING MUST ALSO BE MAILED TO THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION OR OBJECTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

THE 12<sup>th</sup> DAY OF October, 2011.

  
/s/ Thomas D. Lovett  
Thomas D. Lovett  
Attorney for Walter W. Kelley, Trustee  
Post Office Box 1164  
Valdosta, Georgia 31603  
(229) 242-8838  
State Bar No. 459571

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
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In re: : BANKRUPTCY CASE  
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JOHN CONNER and : NO. 11-40458-JTL  
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Debtors. :

**CERTIFICATE OF SERVICE**

I hereby certify that I have furnished a true copy of the **MOTION BY WALTER W. KELLEY, TRUSTEE, TO SELL REAL ESTATE AT PUBLIC AUCTION OUTSIDE THE ORDINARY COURSE OF BUSINESS PURSUANT TO 11 U.S.C. §363(b) AND 11 U.S.C. §363(f), SUBJECT TO LIENS, ENCUMBRANCES, MORTGAGES, SECURITY INTERESTS, CHARGES AND CLAIMS OF EVERY KIND AND DESCRIPTION, KNOWN AND UNKNOWN, WITH ALL VALID LIENS TO ATTACH TO THE PROCEEDS and Notice** on the parties listed below by electronic mail or by depositing the same in the United States Mail, in a properly addressed envelope with sufficient postage thereto affixed to insure delivery.


JOHN CONNER and BETTY LOU CONNER  
1808 51ST STREET  
COLUMBUS, GA 31904

VALERIE G. LONG  
ATTORNEY FOR DEBTORS  
POST OFFICE BOX 8641  
COLUMBUS, GA 31908-8641  
lawofficevlong@yahoo.com

ELIZABETH A. HARDY  
ASST. U. S. TRUSTEE  
[Ustp.region21.mc.ecf@usdoj.gov](mailto:Ustp.region21.mc.ecf@usdoj.gov)

I hereby certify that I furnished a true copy of the Notice to the parties named in Exhibit "B" hereto attached by electronic mail or by depositing the same in the United States Mail in properly addressed envelopes with sufficient postage thereto affixed to insure delivery.

This, the 12<sup>th</sup> day of October, 2011.

  
/s/ Thomas D. Lovett  
Thomas D. Lovett  
Attorney for Walter W. Kelley, Trustee  
Post Office Box 1164  
Valdosta, Georgia 31603  
(229) 242-8838  
State Bar No. 459571

Accounts Receivable Mgmt, Inc.  
P.O. Box 563  
Thorofare, NJ 08086-0563

Alabama Power  
1601 Broad Street  
Phenix City, AL 36867-5014

ALABAMA POWER COMPANY  
P.O. BOX 12545  
BIRMINGHAM, AL 35202-6545

AMCA  
2269 S Saw Mill  
Elmsford, NY 10523-3832

American Enterprises  
9319 N 107th Street  
Milwaukee, WI 53224

Anesthesia Associates of Columbus  
P.O. Box 2445  
Columbus, GA 31902-2445

Applied Bank  
P.O. Box 17125  
Wilmington, DE 19850-7125

APX Alarm Security Solutions  
5132 N 300 West  
Provo, UT 84604-5817

Armstrong & Associates  
P.O. Box 1787  
Mobile, AL 36633-1787

AT&T Mobility  
P.O. Box 772349  
Ocala, FL 34477-2349

Betty Lou Conner  
1808 51st Street  
Columbus, GA 31904-6065

BRM  
18002 Irvine Boulevard  
Tustin, CA 92780-3301

Capital Management Services, LP  
726 Exchange St, Ste. 700  
Buffalo, NY 14210-1464

Capital One  
P.O. Box 30285  
Salt Lake City, UT 84130-0285

Capital One Auto Finance  
3901 Dallas Parkway  
Plano, TX 75093-7864

Capital One Auto Finance  
P.O. Box 260848  
Plano, TX 75026-0848

CAVALRY PORTFOLIO SERVICES  
7 SKYLINE DR STE 350  
HAWTHORNE NY 10532-2162

Cavalry Portfolio Services  
7 Skyline Drive, Ste. 3  
Hawthorne, NY 10532-2162

CCB Credit Services, Inc.  
P.O. Box 272  
Springfield, IL 62705-0272

Cessna Employee Credit  
P.O. Box 7704  
Wichita, KS 67277-7704

Charles T. Day, III  
Attorney At Law  
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Lawrenceville, GA 30043-7989

Client Services, Inc.  
3451 Harry Truman Boulevard  
St. Charles, MO 63301-9816

Colonial Finance Company  
3227 Victory Drive  
Columbus, GA 31903-1815

Constar Financial Services, LLC  
P.O. Box 12020  
Glendale, AZ 85318-2020

Credit Acceptance  
P.O. Box 513  
Southfield, MI 48037-0513

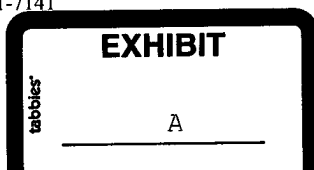
Credit Collection Services  
Two Wells Avenue  
Newton, MA 02459-3246

Credit Management, LP  
4200 International Parkway  
Carrollton, TX 75007-1912

Direct TV\*  
P.O. Box 6550  
Greenwood Village, CO 80155-6550

East Alabama Endocrinology, P.C.  
3320 Skyway Drive, Ste. 808  
Opelika, AL 36801-7141

eCAST Settlement Corporation  
POB 35480  
Newark, NJ 07193-5480



Emergency Medical Specialists  
Of Columbus, PC  
P.O. Box 5638  
Athens, GA 30604-5638

Encore Receivable Management Inc.  
P.O. Box 3330  
Olathe, KS 66063-3330

Endocrine Consultants  
2425 Brookstone Centre Parkway  
Columbus, GA 31904-4501

Fashion Bug/SOANB  
P.O. Box 84073  
Columbus, GA 31908-4073

Financial Asset Management  
Systems, Inc.  
P.O. Box 451409  
Atlanta, GA 31145-9409

First Investors Financial Services  
380 Interstate North SE, 3rd Floor  
Atlanta, GA 30339-2222

Ford Motor Credit  
P.O. Box 542000  
Omaha, NE 68154-8000

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Marietta, GA 30062-3668

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40 Capital Square SW  
Atlanta, GA 30334

GEMB/Sams Club  
P.O. Box 981400  
El Paso, TX 79998-1400

GEORGIA DEPARTMENT OF REVENUE  
Bankruptcy Unit  
P.O. Box 161108  
Atlanta, GA 30321

GMCS, Inc.  
P.O. Box 5960  
Athens, GA 30604-5960

Home Depot/Citibank  
P.O. Box 6497  
Sioux Falls, SD 57117-6497

HSBC Auto Finance\*  
P.O. Box 17904  
San Diego, CA 92177-7904

HSBC Bank  
P.O. Box 5253  
Carol Stream, IL 60197-5253

Hughes Network Systems  
P.O. Box 96874  
Chicago, IL 60693-6874

INTERNAL REVENUE SERVICE  
Insolvency Section  
P.O. Box 7346  
Philadelphia, PA 19101-7346

James B. Nutter & Company  
4153 Broadway Street  
Kansas City, MO 64111-2694

John Conner  
1808 51st Street  
Columbus, GA 31904-6065

Knology\*  
1241 O.G. Skinner Drive  
West Point, GA 31833-1789

LabCorp  
P.O. Box 2240  
Burlington, NC 27216-2240

Life Line Ambulance  
P.O. Box 8323  
Columbus, GA 31908-8323

Mediacom  
6700 Macon Road  
Columbus, GA 31907-5735

Merchants Adjustment Service\*\*  
P.O. Box 7511  
Mobile, AL 36670-0511

Metro Finance  
Special Collection Unit  
29870 Middlebelt Road  
Farmington Hills, MI 48334-2316

Midland Credit Management  
A/K/A Midland Funding, LLC  
8875 Aero Drive, Suite 200  
San Diego, CA 92123-2255

Muscogee Home Health  
7200 Manor Road  
Columbus, GA 31907-3146

National Asset Recovery Services, Inc.  
P.O. Box 701  
Chesterfield, MO 63006-0701

NCO Financial  
P.O. Box 4941, Dept. 80  
Trenton, NJ 08650-4941

North Shore Agency  
4000 E Fifth Avenue  
Columbus, OH 43219-1811

Nuvel Credit  
P.O. Box 380902  
Bloomington, MN 55438-0902

Peak 5  
6782 S Potomac Street  
Englewood, CO 80112-3915

Pinnacle Credit Services  
P.O. Box 640  
Hopkins, MN 55343-0640

Premium Asset Recovery Corporation  
350 Jim Moran Boulevard, Ste. 210  
Deerfield Beach, FL 33442-1782

Publishers Clearing House  
P.O. Box 26301  
Lehigh Valley, PA 18002-6301

Quick Loan  
1240 Broadway  
Columbus, GA 31901-2431

Radiology Associates Of Columbus  
P.O. Box 2787  
Columbus, GA 31902-2787

Receivable Management Group  
P.O. Box 6070  
2901 University Avenue, Suite 29  
Columbus, GA 31907-7601

Resurgent Capital Services  
P.O. Box 19006  
Greenville, SC 29602-9006

Santander Consumer  
F/K/A Citifinancial Auto  
P.O. Box 562088, Ste. 900-N  
Dallas, TX 75356-2088

Southwestern Pathology Assoc.  
P.O. Box 767697  
Roswell, GA 30076-7697

St. Frances Hospital, inc.  
c/o Michael P. Cielinski, P.C.  
P.O. Box 1882  
Columbus, GA 31902-1882

St. Francis Affiliated Serv. Inc.  
3744 Woodruff Road  
Columbus, GA 31904-5601

St. Francis Center for  
Surgical Care  
P.O. Box 15834  
Wilmington, DE 19850-5834

St. Francis Hospital  
P.O. Box 84012  
Columbus, GA 31908-4012

St. Francis Orthopaedic Institute  
P.O. Box 7217  
Columbus, GA 31908-7217

Synergetic Communication, Inc.  
1301 E Third Avenue, Ste. 200  
Post Falls, ID 83854-7545

U. S. ATTORNEY GENERAL  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

U. S. ATTORNEY'S OFFICE  
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Macon, GA 31202

U.S. Trustee - MAC 7  
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Suite 302  
Macon, GA 31201-7987

United Healthcare  
P.O. Box 77023  
Minneapolis, MN 55480-7723

United Recovery Systems, LP  
5800 North Course Drive  
Houston, TX 77072-1613

Valerie G. Long  
Arey, Long and Cross  
4800 Armour Road  
P.O. Box 8641  
Columbus, GA 31908-8641

Vantage Sourcing  
P.O. Box 6786  
Dothan, AL 36302-6786

Verizon Wireless  
Bankruptcy Administration  
P.O. Box 3397  
Bloomington, IL 61702-3397

Web Bank/DFS  
A/K/A Dell Preferred Account  
6440 South Wasatch Blvd., Ste. 300  
Salt Lake City, UT 84121-3518

Wells Fargo Financial  
800 Walnut Street  
Des Moines, IA 50309-3891

World Finance  
419 Veterans Parkway  
Columbus, GA 31901

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

In re: : BANKRUPTCY CASE  
:   
JOHN CONNER and : NO. 11-40458-JTL  
BETTY LOU CONNER, : Chapter 7 Proceeding  
Debtors. :

**MOTION BY WALTER W. KELLEY, TRUSTEE, TO SELL REAL ESTATE AT PUBLIC  
AUCTION OUTSIDE THE ORDINARY COURSE OF BUSINESS PURSUANT TO 11 U.S.C.  
§363(b) AND 11 U.S.C. §363(f), SUBJECT TO ALL LIENS, ENCUMBRANCES,  
MORTGAGES, SECURITY INTERESTS, CHARGES AND CLAIMS**

COMES NOW Walter W. Kelley, Trustee in the above-referenced case, and shows as follows:

-1-

The Debtors named above filed a voluntary Chapter 7 case on August 17, 2009. Walter W. Kelley ("Trustee") is the duly appointed and acting Trustee in this case.

-2-

This motion is brought under 11 U.S.C. §363 and Bankruptcy Rule 6004. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A)(O).

-3-

The debtors own real estate in Muscogee County, Georgia described as 1808 51st Street, Columbus, Georgia. The real estate is or was the debtors' residence. According to the debtors' bankruptcy petition, the real estate has a value of \$80,000 and was subject to a security deed in favor of James B. Nutter & Company ("Nutter Company") which secured a mortgage debt of \$80,242. The Trustee filed adversary proceeding complaint 11-4027 to avoid Nutter Company's security deed. A default judgment was entered in the adversary proceeding on August 29, 2011 (as Document text no. 13) which avoided and canceled Nutter Company's security deed. The Trustee believes there is no other security deed or other lien claim against the real estate.

-4-

The Trustee believes that the debtors have vacated or intend to vacate the real estate.

-5-

The Trustee desires to sell the real estate described above to the highest bidder through Rowell Auctions, Inc. ("Rowell"). Rowell's fee is a 10% buyer's premium that will be added to the buyer's bid price plus reimbursement of out-of-pocket expense. Copies of Rowell's "*Auction Listing Contract With Exclusive Right to Sell*" describing its compensation is attached as Exhibit "A."

-6-

The Trustee believes it will be in the best interest of the Debtors' estate and creditors that this property is sold via auction.


-7-

All property sold will be sold subject to all valid and enforceable liens.

**WHEREFORE, THE TRUSTEE PRAYS FOR AN ORDER:**

- (a) Allowing the above-described auction sale subject to all liens.
- (b) Requiring the Debtors to cooperate with the Trustee and Rowell and their employees in connection with the sale, including, but not limited to all pre-sale preparation and activities, allowing the Trustee or Rowell full and complete access to the real estate and allowing the sale to be conducted on the Debtors' real estate.
- (c) Which permits the Trustee to compensate Rowell directly from the sale proceeds consistent with the order authorizing Rowell's employment.
- (d) That allows the Trustee discretion to reject any bid or offer that the Trustee believes is not in the best interests of the estate.
- (e) That grants such other and further relief as the Court deems just and proper.

Respectfully submitted,

  
/s/ Thomas D. Lovett  
Thomas D. Lovett  
Attorney for Walter W. Kelley, Trustee  
Post Office Box 1164  
Valdosta, Georgia 31603  
(229) 242-8838  
State Bar No. 459571